

A.G. CONTRACT NO. KA 89 - 2361 - TRD

ECS FILE: JPA-89-56

PROJECT: IR-10-3(312)PE, (261)C

SECTION: 40th Street Traffic

Interchange

53983

INTERGOVERNMENTAL AGREEMENT

BETWEEN

THE STATE OF ARIZONA

AND

THE CITY OF PHOENIX

THIS AGREEMENT entered into this 11th day of October, 1989, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION, hereinafter called "State", and the CITY OF PHOENIX, acting by and through its duly elected governing body, hereinafter called "City".

WHEREAS, State is empowered by Sections 11-952 and 28-108 Arizona Revised Statutes to enter into this agreement and has, by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement, and the Director of the Arizona Department of Transportation has delegated to the undersigned the authority to execute same on behalf of State; and

WHEREAS, City is empowered by Section 48-572 Arizona Revised Statutes and City Charter Chapter 2, Section 2 to enter into this agreement and acting by and through its City Council has, by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute same on behalf of City; and

WHEREAS, State desires to construct roadway improvements to the 40th Street interchange on Interstate 10 which will require modifications to signals at the intersection of 40th Street and Broadway Road; and

WHEREAS, City desires to construct said modifications to signals at the intersection of 40th Street and Broadway Road; and

WHEREAS, the total cost to construct said modifications is estimated to be TWENTY SEVEN THOUSAND TWO HUNDRED FIFTY DOLLARS (\$27,250) as detailed on Exhibit A attached hereto and made a part hereof and State agrees to bear the total cost for construction of said improvements.

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| NO. <u>14293</u> |
| FILED WITH SECRETARY OF STATE |
| Date Filed <u>10-11-89</u> |
| <u>Jim Shumway</u> Secretary of State |
| By <u>B. D. Hernandez</u> |

THEREFORE, the parties hereto agree as follows:

STATE WILL:

1. Provide to City, plans for signing and striping modifications, to the intersection of 40th Street and Broadway Road, which are required during construction of the 40th Street Traffic Interchange.
2. Provide to City, final signing and striping plans.
3. Within 30 days of receipt of bill from City for construction costs associated with said modifications at the intersection of 40th Street and Broadway Road, remit payment in full to City.
4. Include additional liquidated damage clauses in the 40th Street project to minimize the length of time that 40th Street will be closed.

CITY WILL:

1. Furnish State with plans for modifications to signals at the intersection of 40th Street and Broadway Road. Plans will show interim modification (during 40th Street Traffic Interchange construction) and final installation.
2. Make traffic signal modifications at the intersection of 40th Street and Broadway Road during the construction of the 40th Street Traffic Interchange. Upon completion of the 40th Street Traffic Interchange project, construct final signal configuration required at 40th Street and Broadway Road.
3. Coordinate signal modification work at the 40th Street and Broadway Road intersection through State to ensure that said construction does not conflict with State's work on 40th Street Traffic Interchange.
4. Upon completion of said modifications to the 40th Street and Broadway Road intersection, submit to State a detailed breakdown of all construction costs and a bill for said costs.

THIS AGREEMENT shall become effective on the date of filing same with the Secretary of State.

THIS AGREEMENT shall remain in full force and effect until completion of the construction project as aforesaid; provided, however, that this agreement may be canceled at any time prior to the commencement of construction upon 30 days notice to the other parties.

This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

Both parties further recognize that the provisions of Arizona Revised Statutes 35-214 are applicable to this contract.

In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in section 12-1518 (B) and (C) of Arizona Revised Statutes as amended.

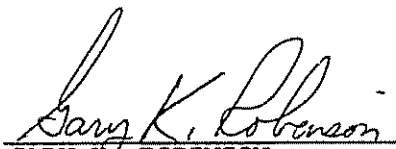
Attached hereto and incorporated herein is a copy of State's Resolution authorizing entry into this agreement, a copy of City's Resolution passed by its City Council, a copy of the written determination of the appropriate attorney that City is authorized under the laws of this State to enter into this agreement and said agreement is in proper form, and a copy of the Attorney General's Intergovernmental Agreement Determination.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

CITY OF PHOENIX, a Municipal
Corporation, Marvin A. Andrews,
City Manager

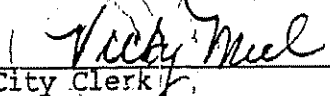
STATE OF ARIZONA
DEPARTMENT OF TRANSPORTATION

BY: 
JAMES H. MATTESON, P.E.
Street Transportation Director

BY: 
GARY K. ROBINSON
Chief Deputy State Engineer

DATE: _____

ATTEST:

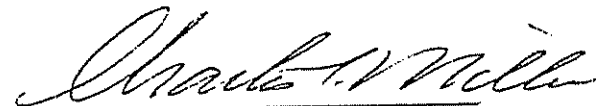

City Clerk

Date: SEP 21 1989

RESOLUTION

BE IT RESOLVED on this 21st day of April 1989, that I, CHARLES L. MILLER, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Highways Division, to enter into an agreement with the City of Phoenix for the purpose of signal modifications required to at the intersection of 40th Street and Broadway Road in order to construct roadway improvements to the 40th Street interchange on Interstate 10.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted for approval and execution by the Chief Deputy State Engineer.



CHARLES L. MILLER, Director
Arizona Department of
Transportation

EXHIBIT A

to

INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF PHOENIX

PHASE I DESCRIPTION:

Add northbound to westbound "Protected Only" left-turn arrow with dual left-turn lanes.

Convert existing southbound to eastbound left-turn arrow from "Protected/Permissive" operation to "Protected Only" operation. Restripe north approach for dual southbound to eastbound left-turn lanes to match south side of intersection and have consistent arrow operations and phasing for 40th Street traffic. This will require 8 phase controller to be installed.

Existing westbound to southbound left-turn arrow will remain in operation using "Protected/Permissive" mode. There is no eastbound to northbound left-turn arrow existing at this intersection.

PHASE II DESCRIPTION:

Restripe north and south legs for single left-turn lanes.

Remove "Protected Only" arrow heads for north/south traffic (3-section 12" with arrows).

Install "Protected/Permissive" arrow heads for north/south traffic (5-section 12" R, Y, G, YA, GA and 5-section 8" R, Y, G, 12" YA, GA).

Northbound to westbound arrow will be made permanent except operation will change to "Protected/Permissive".

8 phase controlled will remain after project is completed.

COSTS FOR PHASE I:

| | |
|------------------------|------------------|
| Equipment Estimate | \$ 12,375 |
| Labor Estimate | <u>7,455</u> |
| Subtotal | \$ 19,830 |
| Less Salvage Equipment | <u>- 4,830</u> |
| Total | <u>\$ 15,000</u> |

COSTS FOR PHASE II:

| | |
|------------------------|-----------------|
| Equipment Estimate | \$ 2,820 |
| Labor Estimate | <u>3,000</u> |
| Subtotal | \$ 5,820 |
| Less Salvage Equipment | <u>- 620</u> |
| Total | <u>\$ 5,200</u> |

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|----------|-----------|
| Subtotal | \$ 20,200 |
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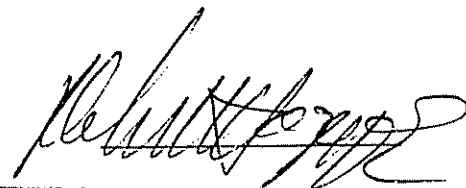
| | |
|------------------------------------|-------|
| PLUS: 15% Construction Engineering | 3,030 |
| PLUS: 10% Construction Contingency | 2,020 |
| ADD: Engineering Design Costs | 2,000 |

| | |
|---|-----------|
| TOTAL COSTS ASSIGNED TO THE ARIZONA DEPARTMENT OF TRANSPORTATION | \$ 27,250 |
|---|-----------|

APPROVAL OF THE CITY ATTORNEY.

I have reviewed the proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION, and the CITY OF PHOENIX and declare this agreement to be in proper form and within the powers and authority granted under the laws of the State of Arizona.

DATED this 8th day of September, 1989.


ACTING City Attorney

RESOLUTION NO. 17547

A RESOLUTION AUTHORIZING THE CITY MANAGER
TO ENTER INTO AN INTERGOVERNMENTAL AGREE-
MENT WITH THE ARIZONA DEPARTMENT OF TRANS-
PORTATION; AND PROVIDING FOR THE COSTS
THEREOF.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PHOENIX
as follows:

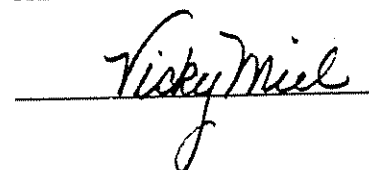
SECTION 1. That the City Manager be and he is hereby
authorized to enter into an Intergovernmental Agreement with
the Arizona Department of Transportation for purposes of
constructing traffic signal modifications at 40th Street and
Broadway.

SECTION 2. That the City Controller be and is hereby
authorized to receive from the Arizona Department of Transpor-
tation the costs of said improvements in an amount of TWENTY
SEVEN THOUSAND TWO HUNDRED FIFTY DOLLARS (\$27,250).

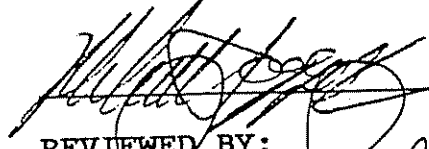
PASSED by the Council of the City of Phoenix
this 06 day of September, 1989.


MAYOR

ATTEST:

 City Clerk

APPROVED AS TO FORM:

 ACTING
City Attorney

REVIEWED BY:

 ASSISTANT
City Manager



Attorney General
1275 WEST WASHINGTON
Phoenix, Arizona 85007
Robert K. Corbin

INTERGOVERNMENTAL AGREEMENT


DETERMINATION

A. G. Contract No. KR89-2361-TRD, is an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

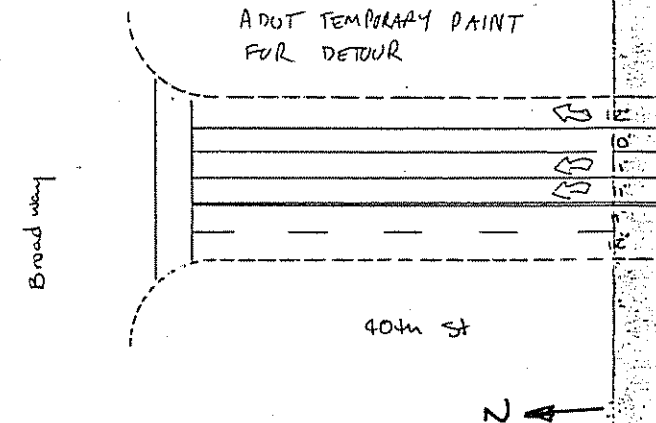
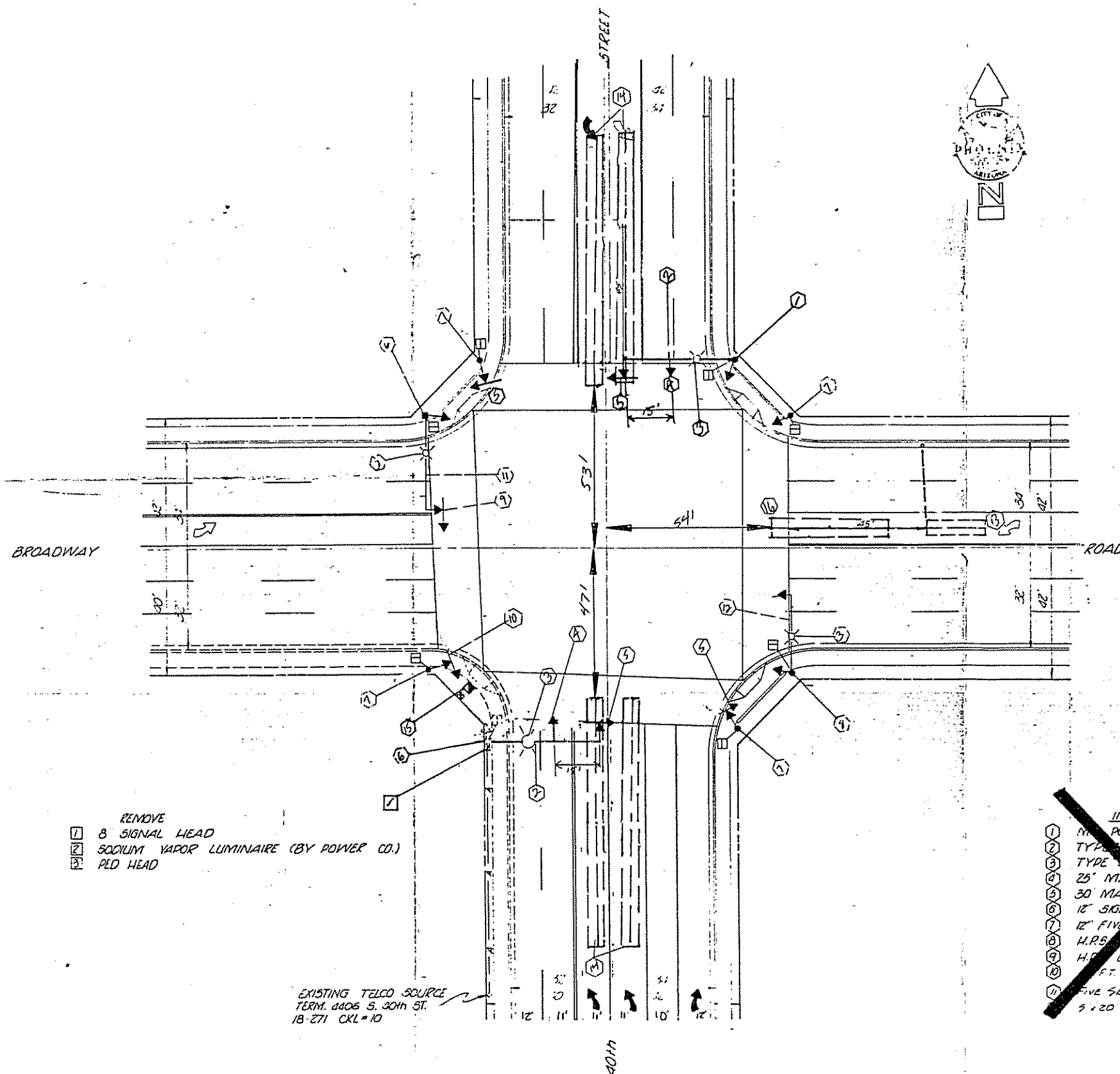
DATED this 29th day of September, 1989.

ROBERT K. CORBIN
Attorney General


Assistant Attorney General
Transportation Division

PHASE I
(PHASE II NOT SHOWN)

NOTE: NB TO WB AND SB TO EB LEFT TURN ARROWS OPERATE "PROTECTED" ONLY.
WB TO SB IS THIRD-CAR ACTUATED, PROTECTED/PERMISSIVE OPERATION,



INSTALL:

- 1 TYPE "M" T.S. POLE (INSTALL ON EXISTING "D" POLE BASE) (1)
- 2 35' MAST ARM (2)
- 3 H.P.S. LUMINAIRE (2)
- 4 3-SECTION T.S. HEAD 12" R.Y.G. (4)
- 5 3-SECTION T.S. HEAD 12" R.A, Y.A, G.A (4)
- 6 "M/U" POLE (2-EXISTING)
- 7 TYPE "A" T.S. POLE (4-EXISTING)
- 8 TYPE "D" T.S. POLE (1-EXISTING)
- 9 5-SECTION T.S. HEAD 12" R.Y.G, Y.A, G.A (1-EXISTING)
- 10 5-SECTION T.S. HEAD 8" R.Y.G, 12" Y.A, G.A (1-EXISTING)
- 11 30' MAST ARM (1-EXISTING)
- 12 25' MAST ARM (1-EXISTING)
- 13 H.P.S. LUMINAIRE (2-EXISTING)
- 14 5' x 20' GUARDPOLE LOOP (1-EXISTING)
- 15 5' x 80' GUARDPOLE LOOP (4)
- 16 800 CONTROLLER (1) BY POWER CO.
- 17 5' x 40' GUARDPOLE LOOP (1)
- 18 REMOVE:
- 19 S.S.F.T. CONTROLLER (1)

- 1 MAST POLE (1) (1-EXISTING)
- 2 TYPE "A" T.S. POLE (2)
- 3 TYPE "D" T.S. POLE (2)
- 4 25' MAST ARM (2) (1-EXISTING)
- 5 30' MAST ARM (2)
- 6 12" SIGNAL HEAD (2)
- 7 12" FIVE-SECTION HEAD W/ARROW (2)
- 8 H.P.S. LUMINAIRE (2)
- 9 H.P.S. LUMINAIRE (1) BY POWER CO.
- 10 S.S.F.T. CONTROLLER (1-EXISTING)
- 11 FIVE-SECTION HEAD 3-8" 12" ARROW (2)
- 12 5' x 20' GUARDPOLE LOOP (1)

- REMOVE
- 1 8" SIGNAL HEAD
- 2 SODIUM VAPOR LUMINAIRE (BY POWER CO.)
- 3 RED HEAD

EXISTING TELCO SOURCE
TERM. 4406 S. 30th ST.
18-271 CKL#10

| | | |
|--|------|----------|
| WB TO SB ARROW INSTALLED | BRB | 11-23-99 |
| REVISION DESCRIPTION | DATE | BY |
| TRAFFIC ENGINEERING DEPARTMENT CITY OF PHOENIX, ARIZONA | | |
| APPROVED BY: ASSISTANT CITY TRAFFIC ENGINEER | | |
| DEPT. CITY TRAFFIC ENGINEER | | |
| CITY TRAFFIC ENGINEER | | |

"AS BUILT"